624 /107 cont./
312 immediate sanctions, and calling for its /108/ own application, without discussion or appeal (1),

[191] 1. J. Costa, Colectivismo agrario in España /Agrarian collectivism in Spain/, 1915, pp. 541 sq., also observes that the famous Water Tribunal of Valencia, the Cort de la Seo, is a very amicable jurisdiction. Conflict could, at any moment, be removed to a judiciary instance, but that never happened!

is glimpsed here. It sanctions a certain number of what we shall
624 call principles. For example, the upstream-downstream direc-
312 tion is the direction that governs the continuity of the irrigation,
578 and can, in case of conflicts between groups, give rise to au-
628 thoritarian application by the power. Thus the old legal dispute between Gedmiwa and Mez'ud'a, for the séguias of the asif el-Mâl. Such a rule implies on the part of the upstream irrigator, whom it favors, some discretion, community honor, care not to harm the people below. That generally suffices among fellow
628 citizens. It is the primary step. Beyond that, there are agree-
312 ments between groups. Most often, they manifest very old bal-
578 ances and a statutory constancy. But occasionally also they are more circumstantial: subject to mercenary debate or also to ritual
● [754] proceedings. A part of the water is bought, unless it is obtained by the "injunction" of the âr (2).

2. Cf. E. Westermarck, Ritual and belief in Morocco, 1926, t. I, pp. 518 sq.

[648] This is what happened in a. Musa for the use of the water from Aduz, in Ud Besseba[c] for obtaining supplementary portions from the séguias of the Seksawa or the Dwiran. This is what happens generally at the time of the floods: the unforeseeability of a windfall determines modes of distribution that amply go beyond any strict regularity.

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/262 cont./
support his allegations by a solemn procedure. "Accept mine or I will accept yours," rd'iyi nghd rd'igh-ak, he says to his partner.

Notice the atmosphere in which this verb rd'â plunges, the root of which, Arabic, but adopted by all the Moroccan dialects, evokes in fact relations anterior to or superior to the strict law. It is in this way that in the sherifian chancellery a superlative of this root, ard'â, qualifies the "faithful and beloved" vassal. A litigant adopts heartily, rd'â, the sentence, or else accepts a /263/ witness, unless this should be the opposite. The ar. /Arabic/ Mâ rd'â-ch expresses the menacing despair into which iniquity plunges a person, driving him to a serious act: vengeance, malediction, suicide. As always in such cases, with rare outcroppings of a strongly archaic juridical lexicon, it is not so much an act that the word connotes as an attitude, a state. Corroded reminder of a stage when social relations were expressed as relations of "figure," of "personage," or, let us say, of status.

[152]
[754]
[762]

That undoubtedly accounts for the obscurity in which this agrarian ceremony plunges even now. Obscurity not only to our eyes, but also to the very ones of the actors. The devolution of the oath to one of the two adversaries is not regulated by anything expressible, in any case nothing that would be apt to be confessed by the present users. Doubtlessly it operates by virtue of emotions to which the tone of the words exchanged, the vigor of the cry of the one offended, the latent opinion of the riverains who flock together on the field contribute.

One of the two, then, proclaims that he is indeed at such-and-such a place in his rightful patrimony, aida-n-s. Simultaneously, he places on the contested spot a stone or clod dug from the field (1).

[171]

1. We observed this practice nearly everywhere in Morocco. Always this unity of the ethnographic foundation!

A certain ambiguity of the interpretation may appear here according to the material of the instrument. The stone in the case at

/187 cont./

*634 shall see farther on, each year rekindled the enthusiasm of all
616 the allies of the vicinity, and it was enough then to make the
57 "tamatart" heard in order to obtain immediate help from one's
[574] allies. In more serious circumstances, one often went to seek support /188/ at a great distance by slaughtering a cow according to the traditional rite that gives a sacred character to the request thus expressed. Another means of establishing a particularly solemn "ᶜar" /oath based on conditional curse/ was the following: several men of the country would go to ask for the support of the "taqbilt" against the common enemy before the house of the moqaddem, while virgin girls who had accompanied them made their way into all the houses of the village whose alliance was solicited. It was then necessary for all the men to take up their arms immediately and come with the suppliants and girls to the place of combat.

*634 Understood thus, this idea of brotherhood of the leffs came to
616 correct all that the narrow patriotism of the members of the same
726 "taqbilt" had that was too exclusive. A leff then was like a kind of nation with capricious frontiers, whose borders extended to an indefinite distance, and one still saw, it is said, at the beginning of the nineteenth century, warriors of the Jbel Kik take up arms in order to go to support combats in the mountains of the Seksawa. If the spirit of solidarity of the fractions has diminished since the progress of the Makhzen /makhzan/, it has nevertheless still remained very much alive: Si el Madani Glawi could still say a few years ago to explain what a leff was, "In case of war, we see arrive among us people whom we do not know and who come to get themselves killed for us" (1).

[113] 1. Justinard, "Note sur les Lefs du Sud-Ouest marocain /Note on the Lefs of the Moroccan Southwest/," Hespéris, 1926, 4th quarter, p. 360.

[571] The leff alliance unites families and not territories. A warrior belongs to the party of the "Imsifern" or the "Indghertit,"

554 /224 cont./
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[692] /footnote 2 continued/ sullied by partiality than that of the inflas, whose rapacity is feared.

[585] [586] [428] Marriages and divorces are concluded in his presence. He conducts the proceedings for the apportionment of inheritances and then appropriates a small part of the estates. He punishes according to the ʿorf -- the custom -- crimes and offenses, and imposes the fines that are proper for each mistake. The money thus collected is divided into three parts: the first goes to the moqaddem; the second is for the taqbilt, which the inflas consider that they represent completely in this circumstance; the last part constitutes a small reserve fund for the expenses of hospitality.

[681]

The moqaddem's authority varies according to his wealth and personal situation. If he is already, because of the power of his "ikhs," an important notable, he is seen, clothed in garb /225/ of white wool, which manifests his high rank, to deliberate, to fix the round of hospitality, to accept the "ʿar" /protector relationship based on a conditional curse/ of foreigners who ask for protection, and to have given to one who offers him a sacrifice some grain and walnuts by contribution of the whole canton. He concludes alliances with neighboring cantons and presides at the "tinoubga," festivals given on the occasion of visits by foreign warriors. If the moqaddem, on the contrary, is a man without influence, he effaces himself before the "inflas" or the "ʿawan," who compete to have all the disputes settled to the advantage of their family. When the year has passed, the moqaddem brings the inflas together and calls for his replacement. As an exception his post is renewed for a year, "if his magistrature has been happy," but never longer.

[292] [613] [571] [754] [574] [431] [628] [574]

[666]

[178] As a result of the general tendency toward the development of personal power, people in the Haut-Atlas /High Atlas/ in our day somewhat scorn the effaced moqaddems who abide by the ancient tradition, according to which they would be only the agents of their brothers. One who does not know how to speak

/246 cont./

609 and a change in external policy can have their expulsion as a
166 consequence (1).
*634
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1. Cf. above, Book II, Ch. III, pp. 245-246.

[681] At other times, too, a group that fears being reduced by the exodus of families decrees penalties against those who try to pass
[619] into neighboring fractions. In this domain there is no general rule, and each "taqbilt," each "khoms" or tribe is inspired by its own interest.

474 /247/ II. The mutual aid and the contributions. -- Under
171 the name of "ouzia" one finds throughout the South of Morocco
681 the Kabyle custom of the "timecheret," purchase in common of
574 an animal whose flesh is to be distributed among all the inhabitants of the village; but the "ouzia" here most often preserves a religious character, and this practice does not become, as in the Djurjura, the occasion for obliging the inhabitants guilty of infractions of the laws of the city to offer a good meal to the whole village.

681 Here the benefit of the "imensi n tqbilt," solemn meal that
574 the criminal or delinquent gives to repair the moral wrong that he has done to the community, is reserved solely to the Aït Arbaʿin,
* 634 to the inflas of the senate of the canton. The "imensi ntqbilt," the "supper of the tribe," is, besides, a good windfall for the notables themselves, who are satisfied in everyday life with meager fare. The desire to have a good supper free of charge readily inclines the Aït Arbaʿin to give proof of great severity in the repression of offenses.

466 The corvées for plowing, harvesting, and transporting manure
476 are the occasion of manifestations of disinterested mutual aid to which the name of "touiza" is given. The "touiza" is granted to all who ask for it. One who cannot plow his field because of his
[571] poverty makes a "ʿar" to the jemaʿa in the form of a lump of
[154] sugar; on the next day the workers assemble and come to the aid of the unfortunate one or the widow without support.

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

2. *Alliances and Agencies for Negotiation and Arbitration*

The traditional social units of Moroccan rural society, involving increasing segmentation as one moves from the confederation or the tribe to the extended family, do not easily lend themselves to the maintenance of peace and harmony. In the pre-Protectorate period rivalries between different blood groups, strong regionalism, and the attitude that insults to "honor" were best avenged by the vendetta, all tended to override the sense of unity derived from geographical proximity, the use of common markets, and brotherhood in Islam. This tendency was rendered all the more critical in the Berber areas by this ethnic group's traditional antipathy towards any form of centralized political authority.

In the Berber areas these centrifugal forces were traditionally countered and controlled by an elaborate system of religiously inviolable alliances combined with an equally elaborate system of "checks and balances" and agencies for the negotiation, mediation, and arbitration of disputes. These compensating factors, although somewhat slow in operation and therefore often ineffective in preventing local social disturbance, did generally contain the dispute within a small area and thus limit its consequences. Similar institutions were also present in the Arabic-speaking areas of the *Bled el Makhzen*, although some suffered suppression at the hands of the central authority.

a. *Shame Compulsions and Covenants*

In the absence of a central authority with strong police powers, interpersonal and intergroup relationships and alliances in both pre-Protectorate Berber and Arabic-speaking society were rendered binding and inviolable through the use of religious shame compulsion (*'ar*) and covenant (*'ahd*). In Morocco the word *'ar* implies the transference of a conditional curse for the purpose of compelling somebody to grant a request, the power of the conditional curse deriving from the mysterious power inherent in the curse (which may sometimes be reinforced by the invocation of another supernatural power or object). Thus, if a person says to another, *Ha l-'ar alik*, "Here is *'ar* upon you", it implies that if

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

626 754 171 the latter does not grant the request some misfortune will befall him on account of the conditional curse contained in the *'ar*. The *'ahd* or covenant differs from the *'ar* in being established by bilateral action – the two parties, by solemn oath, agreeing to carry out some action or to suffer unforeseen retribution (Coon, 1931, pp. 163-164; Westermarck, 1926, Vol. 1, pp. 479, 518-519, 564-569).

Although considered unlawful by Islamic orthodoxy, the *'ar* is nevertheless very widely employed and generally respected in Morocco – although individuals existed even in the traditional society who took no notice of *'ar* cast upon them. The *'ar* and the *'ahd* together constituted an extremely important mechanism not only for inhibiting or forcing individual action in cases of social disturbance, but also for establishing alliances and relationships which circumvented blood and territorial affiliations. These effects were accomplished through "alliances".

b. *Alliances*

609 754 574 171 Five general types of alliances existed, and still exist, in Morocco, serving various purposes and acting on different levels (see Table V). The simplest is that established unilaterally by some traveller for the purpose of securing passage and protection in a foreign territory; it may or may not involve the casting of *'ar*. A traveller, entering the territory of a foreign tribe may either request protection and safe conduct from a native through an appeal to the tribal honor, or he may cast *'ar* upon the native for this purpose by either giving a sacrifice or, more commonly, paying money. The native may or may not grant the first request, but the second allows him no choice. He is duty-bound to see the traveller conducted through the country, either by escorting him personally or by sending a son or friend; [192] furthermore, he is bound to avenge any injury to the traveller. Such protection is termed *mezrag* (literally "spear") by the Arabic-speakers of the plains, and *tazettat* by the Shluh and Zenata; the Beraber refer to it as *amur* if it involves a mere request, and as *tazettat* if *'ar* is cast. Thus, a traveller coming to a village in which he has no friends or acquaintances places himself in the *'ar* of the villagers by the phrase, "I am the guest of God", or by, "We are the guests of God and your guests." He is then given board and

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

lodging either at the village mosque or at private homes. Generally speaking, every guest in Morocco is considered to be in the *'ar* of his host (Berque, 1955, p. 460; Bruno and Bousquet, 1946, pp. 357-362; Marcy, 1929, pp. 140-141; Westermarck, 1926, Vol. 1, pp. 535-539).

TABLE V

Alliance Systems or Relationships Established by Shame Compulsion or Covenant (See Text for Sources)

Relationship	Group				
	Arabic-Speakers	Shluh	Beraber	Jebala-Riffian	Zenata
Alliance for Safe Passage	*mezrag*	*tazettat*	*amur tazettat*	[1]	*tazettat*
Alliance for Securing a Patron for Aid and Protection	*zettata*	(*tigarsi-?*)	*tazettat*	(*leff-?*)	*amur*
Brotherhood Between Persons and Families		*ameqqon*	*tagmat*		*talmat*
Brotherhood Between Extended Groups		*ameqqon* (*tada*)	*tada*		*tada*
Brotherhood Between Politically Autonomous Groups for Purposes of Defense	*leff*	*ameqqon*	*tafergant*	*leff*	*leff*

[1] Relationship structure present but name not given.

Shame compulsion may also be employed by an individual, or a group of individuals, to gain refuge and protection, aid, mediation, or pardon through the help of a patron or mediator, as well as to prevent blood-feud or force the acceptance of blood-money. These diverse applications all fall within the scope of that alliance system known by the Arabic-speakers as *zettata*, by the Beraber as *tazettat*, and by the Beni Ouarain (241-267) of the Zenata as *amur* (see Table V). Through it, an individual fleeing from enemies or from

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

571 754 punishment could place himself in the protection of a prominent person by entering his tent or grasping the tent-pole at the entrance and exclaiming, "I am in God's *'ar* and your *'ar*," or, "I am seeking refuge with your children." The owner of the tent is then obliged to assist him, at least by acting as an intermediary between him and his pursuer, or by speaking to the *caid* or governor on his behalf. The pursuer, in such a case, cannot try forcible to remove the fugitive, but must apply to the owner. A similar custom prevails among the sedentary populations residing in houses. A fugitive could also place himself in the *'ar* of a woman by touching her, sucking her breast, sitting down in front of her, or running into her house and taking hold of the handmill; her husband and family then being obliged to help him. He could also place himself under the protection or *'ar* of an entire village to which he has fled by crying, "I am seeking refuge with God and You, O Community", or by seeking refuge in the village mosque. Mosques generally, however, are not as safe as saints' shrines, for an individual seeking refuge in a shrine came under the *'ar* of the saint. In the Arabic-speaking area a fugitive frequently used *'ar* to obtain a pardon from the authorities.

571 754 695 This alliance mechanism could, however, be used not only by the defendant in a civil or criminal case, but also by the plaintiff. Persons who had suffered damage or injury, or had had a relative murdered, and were unable to protect themselves or obtain vengeance, secured aid by casting *'ar* upon other individuals or upon various social groups. This could be done by hanging an earthenware pot around the neck and entering another person's tent or house; by turning the handmill in this person's tent or house; by placing a saddle upside-down at his door or sacrificing an animal there; or, in the case of women, by cutting the hair, blackening the face, covering oneself with rags and cow-dung, and passing from village to village asking for aid – the latter being a particularly powerful form of casting *'ar* which cannot be refused. Among the Beraber a person may cast an extremely compulsory kind of *'ar* by taking his little son or daughter to the house of the leading man of a village, or to the mosque, laying the child across the door, holding a knife over the artery of the neck, and threatening to kill it if the

4: Hoffman E-4 (no date) 1967 MW11 Shluh MW11 (ca. 1900)

help asked for is refused. An individual may also take an unmarried daughter into another man's house and invoke his assistance, saying that this is *'ar* upon him. The girl is then left there until the owner of the house and his friends have satisfied the request (Bruno and Bousquet, 1942, pp. 361-362; Westermarck, 1926, Vol. 1, pp. 520-530, 560-561).

The use of *'ar*, however, is not restricted to persons engaged in civil or criminal cases, but may also be employed by public bodies, or their representatives against such individuals. This is illustrated by usage among the Ait Youssi (234-236), Westermarck reporting that in the event that a murderer and his male relatives in the patrilineal line have fled, unrelated elders in the village attempt to postpone the blood-feud by casting *'ar* upon the victim's family – either by sacrificing a sheep at the grave, or descending into the open grave itself while scribes give recitations on the behalf of the still unburied deceased. Through this, and the intervention of still other people, the relatives of the deceased eventually agree upon a period of truce; before the expiration of this truce the homicide or his relatives have a *sherif* or other influential men again cast *'ar* upon the family until such a time as they are willing to accept blood-money. *'Ar* may also be cast by the inhabitants of a defeated village upon the members of the victorious group for the purpose of ending the conflict – individuals of a third village or holy men acting as the mediators (Coon, 1931, pp. 105, 162-163; Westermarck, 1926, Vol. 1, pp. 530-532).

An outstanding example of the use of shame compulsion to secure protection is provided by the *ksour* inhabitants of the south, these placing themselves under the protection of a neighboring nomadic tribe by the ceremony known in Arabic as *debiha* and in Tashilhait as *tigarsi*. Another example would be the practice on the part of Jews in Berber areas of using *'ar* to secure a Moslem protector or patron (La Chapelle, 1929, p. 37).

The third type of alliance – known among the Shluh by the term *ameqqon* ("relationship, alliance"), among the Beraber as *tagmat* ("brotherhood"), and among the Zenata as *taimat* ("brotherhood") is concluded between single individuals or families who desire to establish a mutually profitable relationship legally equivalent to that